



1732  
PATENT

Customer Number 22,852

Attorney Docket No. 3063.0396-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John EBY et al.

Application No.: 09/287,631

Filed: April 7, 1999

For: SURFACE COVERINGS HAVING  
A NATURAL APPEARANCE AND  
METHODS TO MAKE A  
SURFACE COVERING HAVING  
A NATURAL APPEARANCE

Group Art Unit: 1732

Examiner: A. Kuhns

#43  
ALH.  
4-3002

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Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the following information. This Information Disclosure Statement (IDS) is being filed after the mailing date of a first Office Action on the merits but before the mailing of either a Notice of Allowance or Final Office Action for the above-referenced application. This IDS is accompanied by a fee of \$180.00, as set forth in 37 C.F.R. §1.17(p).

Further to the IDS filed on April 10, 2002, this submission brings to the Examiner's attention additional information resulting from on-going litigations. Namely, this information relates to the Shortway et al. family of patents, one of which (U.S. Patent No. 4,214,028) the Examiner has applied against the pending claims.

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Consequently, this information may be material or relevant to the patentability of the instant claims. See M.P.E.P. 2001.06(c). This same submission is being filed in co-pending application number 09/749,033.

A copy of the U.S. Patents listed on the Patent Family printout, as well as the Patent Family printout, are included herewith. Applicants respectfully request that the Examiner carefully consider each listed document and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the disclosed information is material or constitutes "prior art." If the Examiner applies the information as prior art against any claim in the present application and Applicants determine that the information does not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such information.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the disclosed information, should it be applied against the claims of the present application.

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If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: April 26, 2002

By: 

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